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HONORABLE SALVADOR
MENDOZA JR.

6

7 [Additional counsel identified on
8 signature page]

9

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF WASHINGTON**
12 **SPOKANE DIVISION**

13 ALEX MCVICKER and MARK
14 MOSS, individually and on behalf of
15 all others similarly situated,

16 Plaintiff,

17 v.
18 GIGA WATT, INC.; GIGAWATT
19 PTE, LTD; CRYPTONOMOS PTE,
LTD; and DAVE CARLSON;
LEONID MARKIN; and EDWARD
KHAPTAKHAEV, a foreign
corporation,

Defendants

RAYMOND BALESTRA,
individually and on behalf of all
others similarly situated,

Plaintiff,

v.
GIGA WATT, INC., ET AL.,
Defendants.

No. 2:18-cv-00103-SMJ

(Consolidated with
No. 2:18-cv-00100)

STIPULATION TO EXTEND
BRIEFING SCHEDULE RE MOTION
TO DISMISS (Dkt. # 27)

AND [PROPOSED] ORDER

Note for Motion Calendar:
1/2/2019

Note for Motion Calendar if Motion to
Expedite Granted:
12/10/2018

20 STIPULATION AND ORDER- 1
(No. 2:18-cv-00103-SMJ)

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I. STIPULATION

2 Plaintiffs Raymond Balestra, Alex McVicker, and Mark Moss (“Plaintiffs”)
3 and Defendants Giga Watt, Inc., Dave Carlson, Leonid Markin, and Edward
4 Khaptakhaev (the “Moving Defendants”), by and through their undersigned
5 counsel of record, hereby stipulate and agree as follows:

6 1. A Motion to Dismiss Under Rule 12(b)(6) (Dkt. #27) was filed by the
7 Moving Defendants' counsel on Wednesday, November 21, 2018. A response to
8 the Motion to Dismiss is due on Wednesday, December 12, 2018. A reply to the
9 response to the Motion to Dismiss is due Wednesday, December 26, 2018.

10 2. Counsel for Plaintiffs and the Moving Defendants have conferred and
11 agreed to a thirty (30) day extension as to the hearing date and to file responsive
12 papers and the reply as follows:

13 a. Plaintiffs' response brief would be due Friday, January 11, 2019;

14 b. The Moving Defendants' reply would be due Friday, January 25,

15 2019; and

16 c. The Motion to Dismiss would be noted for hearing on February 12,

17 2019

18 d. The Motion to Dismiss was filed without a request for oral argument.

1 3. Plaintiffs agree not to take any action as to any Defendant in the
2 intervening time period.

3 So stipulated and agreed to on December 3, 2018.

4 By: /s/ Roger M. Townsend
5 Roger M. Townsend, WSBA #25525
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11 *Attorney for Plaintiffs*

12 By: /s/ Marc Rosenberg
13 Marc Rosenberg, WSBA #31034
14 LEE SMART, P.S., INC.
15 701 Pike Street, Suite 1800
16 Seattle, WA 98101
17 Telephone: (206) 622-7990
18 Email: mr@leesmart.com

19 *Attorneys for Defendants Giga Watt, Inc., Dave
20 Carlson, Leonid Markin, and Edwrd Khaptakhaev*

II. [PROPOSED] ORDER

This matter is before the Court on the parties' STIPULATION TO EXTEND TIME TO RESPOND TO MOTION TO DISMISS AND REPLY TO RESPONSE TO MOTION TO DISMISS. The Court, having considered the Stipulation, orders as follows:

1. Plaintiffs' response brief is due on or before Friday, January 11, 2019.
2. The Moving Defendants' reply is due on or before Friday, January 25, 2019.
3. The Motion to Dismiss will be noted for hearing on February 12, 2019.
4. Plaintiffs shall not take any action as to any Defendant during this time period.

DATED this _____ day of _____, 2018.

UNITED STATES DISTRICT JUDGE
HONORABLE SALVADOR MENDOZA JR.

1 CERTIFICATE OF SERVICE

2 I hereby certify under penalty of perjury that on this date I filed the
3 foregoing document with the Clerk of the Court using the court's ECF filing
4 system which will automatically serve the filing on registered ECF users:

5 Marc Rosenberg
6 LEE SMART, P.S., INC.
7 1800 One Convention Place
701 Pike Street
Seattle, WA 98101-3929
(206) 624-7990

8 Attorneys for Defendants

9 DATED December 3, 2018, at Seattle, Washington.

10 s/Leslie Boston
11 Leslie Boston, Legal Assistant